

## How to deal with nuisance landlords and neighbors

## **Important Phone Numbers**

Small Claims Court-Solano County 421-7435

City Residential Code Enforcement

Abandoned junk/inoperable vehicles/
garbage in public view by your home

428-7031

City Commercial Code Enforcement Violations of Zoning Ordinance & Sign Ordinance by businesses 428-7463

Fairfield Police Non-Emergency/
Information

Noise complaints, non-life threatening
428-7300

Adult Protective Services

Elder abuse and neglect

800-850-0012

Child Abuse & Neglect 800-544-8696

Animal Control/Humane Animal Services 449-1700

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CITY OF FAIRFIELD 1000 WEBSTER STREET

PLANNING & DEVELOPMENT PHONE: 707-428-7461

> POLICE PHONE: 707-428-7765

The problems caused by bad neighbors engaged in drug activities can be so severe, it can destroy the quality of life for the entire neighborhood. This type of crime is more than just a police problem; it is often a problem of poor property management. Residents can combat drug sales and prostitution in their neighborhoods by joining together to work with police and also by working with landlords to better manage their properties.

Organized groups are more effective in tackling community problems than a single person. The first step in the process of ridding your neighborhood of drug dealers or prostitutes should be organizing the neighborhood.

Together, neighbors can monitor and keep logs of the possible illegal activity occurring at the problem properties. These logs will prove helpful to police and for any future legal action taken against the property owner.

Neighbors contemplating any sort of legal action might want to consult an attorney.

In order to sue a landlord for operating a nuisance property, the residents must have evidence showing that the building has become a hub for illegal activity and that the

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• Nuisance: anything which is injurious to health, or is indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. (Civil Code section 3479)

## How to Get Rid of Drug Houses

- Monitor and keep logs of possible illegal activities.
- When enough evidence has been gathered, send a demand letter to the property owners asking them to clean up the property and evict the problem tenants.
- If the landlord refuses to comply, file suit in Small Claims Court to argue that the property owner is maintaining a public nuisance.

More detailed instructions are available on the Santa Rosa Police Department website:

http://ci.santa-rosa.ca.us/ pd/prevention/index.html

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landlord did not act reasonably to deal with the problem. For example, neighbors could show that drug dealers had easy access to the building and that police have been called to address the problem.

When enough evidence has been gathered, the residents then send a demand letter and a copy of the incidents logs to the landlords asking them to clean up the properties and evict any problem tenants. If the owners fail to clean up this public nuisance, residents have a tool they can use to motivate them: Small Claims Court lawsuits.

Small claims lawsuits have been used successfully in Vacaville, Concord, Vallejo, and Berkeley and have offered a remedy to people living with rampant drug activity. Landlords can be held legally liable for the mental distress caused to neighbors by the drug and prostitution activity occurring on or near their property. Landlords could be held liable on "nuisance theory". (See side bar on page 1.)

The drug dealers, their customers, and you, the neighbor, do not have to be tenants of the problem property in order for you to sue in small claims court. As long as the apartment complex is a hub of drug activity and the landlords do not act reasonably to deal with the problem, they can be held liable. Examples of acting reasonably might include hiring a full-time on-site manager, putting up security fences, and installing a card-entry system.

People who are injured by the nuisance may seek up to \$5,000 in damages in small claims court. If several neighbors file their individual suits, the judge may choose to join several cases together for one trial, but the judgments will still be awarded individually to each plaintiff.

An example where this tool worked effectively was a case in Berkeley. In 1991, 66 actions were filed in small claims court and were consolidated for a single trial. Plaintiffs testified that they had been confronted by drug dealers, customers, and prostitutes that frequented the problem property. They documented how on numerous occasions they reported to police the illegal activity, and how they lost many hours of sleep from the noise, fighting and gunshots. They detailed how they could not use or enjoy their own property safely, and were denied the right to use their own yards for fear of harm. They described the emotional and mental distress they suffered. They won their cases with a total judgment for damages of \$218,325, or an average of \$3,308 per plaintiff.

The City of Fairfield is very concerned about the quality of life in its neighborhoods. With the assistance of the police department and other City staff, citizens can lead the charge of ridding their own neighborhoods of crime and making a better life for themselves and their families.